

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MILLARD GUTTER COMPANY, a
Corporation d/b/a MILLARD ROOFING
AND GUTTER; GILICK ENTERPRISES,
INC., and GROSS POINT HOLDINGS,
LLC,

Plaintiffs,

vs.

NATIONWIDE INSURANCE, d/b/a or a/k/a
NATIONWIDE; and DEPOSITORS
INSURANCE COMPANY,

Defendants.

8:18CV23

THIRD AMENDED
CASE PROGRESSION ORDER

This matter is before the Court following a telephone conference held with counsel for the parties on August 6, 2021, and after review of the Stipulation on Proposed Amended Progression Order Deadlines ([Filing No. 39](#)). In accordance with the matters discussed during the telephone conference and for good cause shown,

IT IS ORDERED that the Stipulation on Proposed Amended Progression Deadlines ([Filing No. 39](#)) is granted, and the second amended case progression order is amended as follows:

- 1) The deadline for moving to amend pleadings or add parties is **November 1, 2021**.
- 2) The deadline for identifying and for completing expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is **October 15, 2021**. Rebuttal reports are due on or before **December 1, 2021**.
- 3) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is **December 15, 2021**. Motions to compel written discovery under Rules 33, 34, and 36 must be filed by **December 29, 2021**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 4) A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **January 14, 2022**, at **10:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 5) The deposition deadline is **January 18, 2022**.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is **February 15, 2022**.
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **February 15, 2022**.
- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 6th day of August, 2021.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge